

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In re: MARVIN REX RANKIN III <sup>1</sup>	)	
SSN: xxx-xx-3901	)	Case No.: 20-80495-CRJ-11
	)	
and	)	
	)	
MARY BETH	)	
LEMMOND RANKIN	)	
SSN: xxx-xx-7950	)	
	)	
Debtors.	)	CHAPTER 11
_____	)	

**DEBTORS' OBJECTION TO PROOF OF CLAIM OF  
JP MORGAN CHASE BANK, N.A. [CLAIM DOC. 1-1]**

COME NOW Marvin Rex Rankin III and Mary Beth Lemmond Rankin (the "**Debtors**"), and show unto this Honorable Court as follows:

**Background**

1. On February 8, 2020, the Debtor commenced with this Court a voluntary case under Chapter 11 of Title 11, United States Code.

2. This Court has subject matter jurisdiction to consider and determine this motion pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The Debtors are residents of Morgan County, Alabama.

**Proof of Claim 1-1**

4. JPMorgan Chase Bank N.A. (the "**Creditor**") filed proof of claim docket number 1-1 on March 12, 2020 (the "**Claim**").

5. On July 31, 2020, Creditor filed a motion to lift the 11 U.S.C. § 362 Automatic Stay (the "**Motion**") [Doc. 113].

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<sup>1</sup> In addition to Marvin Rex Rankin III and Mary Beth Lemmond Rankin., the Debtors include the following: RWS Charter LLC, Case No. 20-80470-CRJ11; and Bayport Corporation, Ltd., Case No. 20-80471-CRJ11

6. In the Motion, Creditor sought relief from this Court to repossess a 2016 Land Rover Range Rover (the “Collateral”).

7. The Debtors did not object to stay relief for purposes of repossessing the Collateral. This Court entered an order on August 24, 2020 granting Creditor such relief [Doc. 131].

**Relief Sought**

8. Creditor filed the Claim as secured.

9. While the Creditor may be entitled to file an unsecured deficiency claim following liquidation of the Collateral, Creditor is not entitled to secured-status for purposes of the Debtors’ disclosure statement and plan of reorganization.

10. Accordingly, the Debtors object to Proof of Claim 1-1 on grounds that the Creditor has received stay relief and its secured claim should be extinguished as moot.

WHEREFORE, premises considered, the Debtors respectfully requests this Court to enter an Order: sustaining its objection to Proof of Claim 1-1; and granting such relief as this Court deems just and proper.

Respectfully submitted this the 8<sup>th</sup> day of September, 2020.

/s/ Tazewell T. Shepard IV

Tazewell T. Shepard III

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### **CERTIFICATE OF SERVICE**

This is to certify that I have this the 8<sup>th</sup> day of September, 2020 served the foregoing document upon the Debtor's 20 largest unsecured creditors, Richard Blythe, Esq., Office of the Bankruptcy Administrator, Jackson E. Duncan III, Esq., Attorney for JP Morgan Chase Bank N.A., JP Morgan Chase Bank N.A., National Bankruptcy Department, P.O. Box 29505 AZ1-5757, Phoenix, AZ 85038-9505, and all persons requesting notice by electronic service through the Court's CM/ECF system and/or by depositing said copies in the United States Mail in properly addressed envelopes with adequate postage thereon.

/s/ Tazewell T. Shepard IV

Tazewell T. Shepard IV